

STATE OF MAINE
CUMBERLAND, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. _____

AMERICAN CIVIL LIBERTIES UNION OF
MAINE FOUNDATION,
Plaintiff,
v.
CITY OF SANFORD; SANFORD POLICE
DEPARTMENT; and ERIC. H. SMALL,
Chief of the Sanford Police Department, in
his official capacity,
Defendants.

**APPEAL FROM DENIAL OF ACCESS
TO PUBLIC RECORDS
(1 M.R.S. § 409(1))**

The American Civil Liberties Union of Maine Foundation (“ACLU of Maine”) appeals the denial of access to public records by the City of Sanford, the Sanford Police Department, and Sanford Chief of Police Eric H. Small pursuant to 1 M.R.S. § 409(1) as follows:

INTRODUCTION

1. This is a challenge to the decision by the City of Sanford, the Sanford Police Department, and the Sanford Chief of Police to withhold public documents containing the details of traffic stops that resulted in people being turned over to federal immigration custody.

2. Plaintiff ACLU of Maine is a non-profit 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases and educates the public about civil rights and civil liberties issues across the state. *See* 26 U.S.C. § 501(c)(3).

3. The ACLU of Maine carries out its mission, in part, by acquiring information about government actions through public records requests under state and federal law and disseminating information received to the public via its website.¹

4. In March of 2025, ACLU of Maine learned from local news reporting that local police departments in Maine were conducting traffic stops; calling federal immigration authorities to the scene of the stop; continuing to detain people until federal immigration authorities arrived; and turning people detained at the stop over to federal custody.²

5. The ACLU of Maine began sending identical records requests to every law enforcement agency in Maine, seeking records related to traffic stops that had resulted in a person being turned over to federal immigration custody.

6. In February of 2026, ACLU of Maine sent one such request to the City of Sanford.

7. These traffic stops are matters of public concern and documents related to them are essential to the public's understanding of government operations. In the wake of the Trump administration's rapid escalation of immigration arrests and deportation, Maine residents have been particularly interested in how their local law enforcement agencies cooperate with federal immigration enforcement. As well, traffic stops are the most common way police officers interact with the public.³ Information about traffic stops is therefore vital to inform the public how their local police departments operate.

8. Defendants responded to the ACLU of Maine's public records request by providing terse "call logs" that contain no substantive information regarding the traffic stops. Defendants did not

¹ ACLU Maine, *Public Records*, <https://www.aclumaine.org/publicrecords/>.

² Marie Weidmayer, *Border Patrol is 'unlawfully' detaining asylum seeker in Maine, petition says* Bangor Daily News (March 25, 2025), <https://wgme.com/news/local/border-patrol-is-unlawfully-detaining-asylum-seeker-in-maine-petition-says-us-customs-and-border-patrol-immigration-ice-migrant-workers>.

³ RAND, *Stop, Start or Continue? A National Survey of the Police About Traffic Stops*, (June 30, 2021), <https://www.rand.org/pubs/commentary/2021/06/stop-start-or-continue-a-national-survey-of-the-police.html>.

produce, and have affirmatively refused to produce, incident reports, body-worn camera footage, dashboard camera footage, or any other documents responsive to the request. No FOAA exemption justifies Defendants' withholding of these important public records.

PARTIES AND JURISDICTION

9. The ACLU of Maine is a non-profit 26 U.S.C. § 501(c)(3) organization with its principal office in Portland, Maine.

10. The City of Sanford was incorporated as a town in 1768, re-incorporated as a city in 2013, and is organized as a municipality under Maine law.

11. The Sanford Police Department is the law enforcement agency for the City of Sanford.

12. Chief Eric H. Small is the Chief of the Sanford Police Department. He was appointed to his position in 2024 pursuant to the Sanford City Charter, Art. IV, Section 402.3.

13. The Superior Court has jurisdiction over this action pursuant to 1 M.R.S. § 409(1) and other applicable law.

14. Venue is proper in Cumberland County pursuant to 1 M.R.S. § 409(1) because Plaintiff resides in Cumberland County.

PRIORITY OF FOAA APPEAL

15. This FOAA case has statutory priority such that it “may be advanced on the docket and receive priority over other cases when the court determines that the interest of justice so require” pursuant to 1 M.R.S. § 409(1).

RIGHT TO INSPECT AND COPY INCIDENT REPORTS UNDER FOAA

16. The purpose of the FOAA is to promote transparency in government by, inter alia, making records of the transaction of governmental business “open to public inspection.” 1 M.R.S § 401.

17. The Legislature declared that the FOAA “shall be liberally construed and applied to promote its underlying purposes and policies.” 1 M.R.S. § 401.

18. Under Maine law, “a corollary to such liberal construction of the Act, is necessarily a strict construction of any exceptions to the required public disclosure.” *Guy Gannett Pub. Co. v. Univ. of Maine*, 555 A.2d 470, 471 (Me. 1989) (quoting *Moffett v. City of Portland*, 400 A.2d 340, 348 (Me. 1979)).

19. In keeping with that statutory mandate, the Law Court has held that when public records contain non-public information, the records should not be withheld; instead, the records must nonetheless be disclosed with redactions made as necessary. *Anctil v. Dep’t of Corrections*, 2017 ME 233, ¶¶ 6, 23; *Doyle v. Town of Falmouth*, 2014 ME 151, ¶ 9, 106 A.3d 1145.

20. The FOAA guarantees to every person the right to request that an agency make public records available for inspection and copying. 1 M.R.S. § 408-A.

21. The burden of proving “just and proper cause for the denial of a FOAA request” falls on the government entity denying the request. *See MaineToday Media v. State of Maine*, 2013 ME 100, ¶ 9, 82 A.3d 104.

22. If a court determines, “with taking of evidence and other testimony as determined necessary,” that a refusal to permit inspection and copying “was not for just and proper cause,” the court shall enter an order for disclosure. *See* 1 M.R.S. § 409(1).

23. Incident reports, body-worn camera footage, dashboard camera footage, and audio recordings of phone calls or radio traffic made during the course of police business are not privileged from disclosure under FOAA. *See generally* 1 M.R.S. § 402(3) (providing narrow list of confidential records). No statute or privilege makes these records inherently confidential; they are therefore public.

24. Producing these records directly fulfills FOAA's mission because these documents contain valuable information that adds to the public knowledge of how its government operates. Incident reports provide information such as why an officer initiated a traffic stop and the circumstances of any arrest, citation, or summons that result from the traffic stop. Body-worn camera footage provides a script of the traffic stop, as well as time stamps demonstrating how long the traffic stop lasted. Incident reports and camera footage therefore provide valuable information to the public about the conduct of their local police departments.

FACTS

PUBLIC INTEREST IN LOCAL-FEDERAL LAW ENFORCEMENT COLLABORATION

25. Throughout President Trump's second term, his administration has rapidly escalated immigration arrests, detainments, and deportations. This escalation has garnered national and local media attention⁴ and motivated protests throughout the country and in Maine.⁵

26. Maine residents have been particularly interested in how their local law enforcement agencies cooperate with federal immigration enforcement.

27. In Maine, media coverage and public attention on this issue have broadly focused on two scenarios. One scenario occurs when a county jail rents bed space to U.S. Immigration and

⁴ See, e.g., Chris Cameron & Hamed Aleaziz, *Over 60,000 Are in Immigration Detention, a Modern High, Records Show* N.Y. Times (Aug. 11, 2025), <https://www.nytimes.com/2025/08/11/us/politics/immigration-detention-numbers.html>; Callie Ferguson, *These immigrants do one of Maine's most dangerous jobs. Then came Trump's crackdown* Maine Monitor (Dec. 19, 2025), <https://themainemonitor.org/maine-immigrants-crossfire-trump-crackdown/>.

⁵ See, e.g., Marlo Lundak, *Hundreds of Green Bay high schoolers walk out to protest ICE: 'Make our voices heard'* Fox 11 News (Feb. 11, 2026), <https://fox11online.com/news/local/green-bay-high-school-walkout-protest-march-immigration-customs-enforcement-ice>; Emma Davis, *Mainers 'refuse to look away' with thousands rallying against ICE operation* Maine Morning Star (Jan. 24, 2026), <https://mainemorningstar.com/2026/01/24/mainers-refuse-to-look-away-with-thousands-rallying-against-ice-operation/>.

Customs Enforcement (“ICE”), effectively allowing ICE to use that jail as its own detention facility.⁶

28. The second scenario occurs when a local law enforcement agency—Maine State Police, a Maine county sheriff’s office, or a Maine municipal police department—conducts a traffic stop; calls ICE or U.S. Customs and Border Patrol (“CBP”); and prolongs the traffic stop until ICE or CBP arrives in order to turn over a person involved in the stop to federal custody.⁷

29. To learn more about the second scenario, between May 2025 and February 2026, the ACLU of Maine sent FOAA requests to one hundred and seventeen Maine law enforcement agencies. These requests were identical and sought:

- a. Incident reports detailing all traffic stops of individuals from December 1, 2024 to present in which the individual was taken into ICE or CBP custody;
- b. All documentation associated with the above-referenced traffic stops;
- c. From December 1, 2024 to present, any communications between the police department and ICE or CBP concerning transportation of aliens.

30. To date, one hundred and twelve law enforcement agencies have provided full and final responses.

⁶ See, e.g., Grace Benninghoff, *Cumberland County commissioners poised to weigh in on ICE use of jail* Portland Press Herald (Oct. 17, 2025), <https://www.pressherald.com/2025/10/17/cumberland-county-commissioners-poised-to-decide-fate-of-ice-jail-contract/>; Ari Snider, *Local organizers press Cumberland County Jail to stop housing people in ICE custody* Maine Public (June 17, 2025), <https://www.mainepublic.org/courts-and-crime/2025-06-17/local-organizers-press-cumberland-county-jail-to-stop-housing-people-in-ice-custody>.

⁷ See, e.g., Emily Allen & Morgan Womack, *A look at where traffic stops in Maine have led to Border Patrol arrests* Portland Press Herald (Aug. 24, 2025), <https://www.pressherald.com/2025/08/24/a-look-at-where-traffic-stops-in-maine-have-led-to-border-patrol-arrests/>; Emily Allen, *Maine State Police called immigration authorities about 60 times last year* Portland Press Herald (Feb. 6, 2025), <https://www.pressherald.com/2026/02/06/maine-state-police-called-immigration-authorities-about-60-times-last-year/>.

FEBRUARY 3, 2026 FOAA REQUEST AND RESPONSE

31. On February 3, 2026, as part of its broader project to learn about traffic stops that resulted in people being turned over to federal immigration custody, the ACLU of Maine sent a FOAA request to the City of Sanford seeking:

- a. Incident reports detailing all traffic stops of individuals by the Sanford Police Department from December 1, 2024 to present in which the individual was taken into ICE or CBP custody;
- b. All documentation associated with the above-referenced traffic stops;
- c. From December 1, 2024 to present, any communications between the Sanford Police Department and ICE or CBP concerning transportation of aliens.

32. A copy of the ACLU of Maine's February 3, 2026 request is attached as **Exhibit 1**.

33. On February 6, 2026, Defendants responded via an email sent by Deputy Chief of Sanford Police Matthew Gagné. Deputy Chief Gagné copied Defendant Small and City Manager Steven Buck on the email. A copy of the February 6, 2026 email is attached as **Exhibit 2**.

34. Deputy Chief Gagné's February 6 email attached two call logs. These documents appear to be transcripts of radio traffic that occurred during the traffic stops. These documents contain no substantive information about why the traffic stop was initiated, the circumstances that preceded Sanford Police making contact with federal immigration authorities, or the number of people turned over to federal immigration custody. A copy of the call logs is attached as **Exhibit 3**.

35. Deputy Chief Gagné's February 6 email also attached a letter. The letter was signed by Deputy Chief Gagné, acknowledged the February 3 request, and stated:

Please be aware that to the extent that any document exists that is exempt from the definition of public records, pursuant to 1 M.R.S. § 402(3), part of your request was denied (incident reports). Generally speaking, adult records in our possession are, by definition, "Intelligence and Investigative Records Information," and their release would constitute an invasion of privacy, as per 16 M.R.S. § 804-3. Releasing this information could result in the dissemination of prejudicial information under 16 M.R.S. §804-2. We have approved the release of the call logs from the traffic stops as requested, and those documents have been redacted under 16 M.R.S. §804-3. I recommend pursuing a court order for the

requested documents that were denied and redacted. No records exist involving communication between the Sanford Police and ICE or CBP beyond what is listed in these released documents.

36. A copy of Deputy Chief Gagné's February 6, 2026 letter is attached as **Exhibit 4**.

FEBRUARY 13 FOAA FOLLOW-UP

37. On February 13, 2026, the ACLU of Maine responded to Deputy Chief Gagné's February 6 email. A full copy of the response is attached as **Exhibit 5**.

38. In its February 13 response, the ACLU of Maine explained that (1) the incident reports are not "exempt from the definition of public records"; (2) that while incident reports might contain confidential information such as names and dates of birth, Defendants was obligated to redact that information and produce records regardless per Law Court precedent; and (3) that "pursuing a court order" is not a valid response to a FOAA request and that the statement was indicative of bad faith.

39. The ACLU of Maine sent its response to Defendant Small, City Manager Buck, and Deputy Chief Gagné at 8:54 AM on February 13. A time-stamped email attaching the response is attached as **Exhibit 6**.

40. Less than 15 minutes later, at 9:08 AM on February 13, Defendant Small responded, copying Deputy Chief Gagne and City Manager Buck and stating:

Deputy Chief Gagne has already provided our response, and that position will not change with the submission of this additional request. If you wish to pursue further records, I would recommend seeking a court order to obtain any additional documents.
Please consider this email to be a formal denial of the request.

41. A copy of Defendant Small's February 13 response is attached as **Exhibit 7**.

42. No Defendant has produced further documents in response to the February 3 request.

43. In light of the above correspondence, Defendants' final denial of the February 3 request occurred on February 13, 2026.

DEFENDANTS HAVE NO BASIS FOR WITHHOLDING RESPONSIVE RECORDS

44. There is no dispute that Defendants are withholding responsive records. Defendants have affirmatively stated that they are withholding incident reports.

45. Defendants have declined to confirm or deny whether they are withholding body-worn camera footage, dashboard camera footage, or audio recordings.

46. Defendants have established no just and proper cause for having withheld the missing records.

47. Defendants have not justified the withholding of any particular document under a recognized FOAA exemption.

48. Defendants have provided three possible reasons for withholding incident reports. As explained in the ACLU of Maine's February 13, 2026 correspondence, none of these reasons justify Defendants' withholding.

49. **First**, incident reports are, contrary to Defendants' assertion, public records. Under FOAA, records are presumed public unless they are explicitly made confidential by statute or they meet certain other narrow criteria. 1 M.R.S. § 402(3). No statute makes incident reports or body-worn camera footage ("BWC footage") inherently confidential, and for good reason: these documents contain valuable information that adds to the public's knowledge of how its government operates. Incident reports—unlike the terse radio logs already provided—would provide information such as why an officer initiated a traffic stop, the circumstances at play when the officer contacted federal immigration enforcement, the number of people involved in the stop, and the number of people turned over to federal custody. BWC footage would provide a "script" of the traffic stop, as well as time stamps that demonstrate how long the traffic stop lasted, and the interval of time between when the officer contacted federal immigration authorities and the

authorities arrived. Incident reports and BWC footage therefore provide valuable information to the public about the conduct of their local police departments.

50. If Defendants' position that incident reports can never be released were correct, the public would be deprived of critical information about how their government operates. The public would never know the details of how any police officer has interacted with a member of the public. No authority supports this drastic result. To the contrary, law enforcement agencies across the state routinely produce incident reports and BWC footage to the ACLU of Maine and other entities.⁸

51. **Second**, Defendants have pre-supposed that responsive records are intelligence and investigative record information ("IIRI") under 16 M.R.S. § 803 (and their disclosure is therefore barred by 16 M.R.S. § 804(2) and (3)) but that statute does not justify withholding records and may not apply at all.

52. The responsive records may not be IIRI under 16 M.R.S. § 803. Because Defendants declined to engage with the ACLU of Maine's February 13 correspondence, the ACLU of Maine does not have enough information to determine whether or not the incident reports constitute IIRI. The ACLU of Maine's request was confined to records related to traffic stops. IIRI is limited to information collected "while performing the administration of *criminal* justice." 16 M.R.S. § 803(7) (emphasis added). Administration of criminal justice consists of "activities related to the . . . monitoring of investigation of *known, suspected or possible crimes*." 16 M.R.S. § 803(2) (emphasis added). "A traffic infraction is not a crime." 29-A M.R.S. § 103(1). To the extent Sanford officers were exclusively investigating a traffic infraction or an unspecified

⁸ ACLU Maine, *Maine's Cooperation with Federal Immigration Enforcement*, <https://www.aclumaine.org/publications/maines-cooperation-with-federal-immigration-enforcement/>; Paula Brewer, *BDN obtains video of deputy being shot during Portage Lake standoff*, Bangor Daily News (March 7, 2025), <https://www.bangordailynews.com/2025/03/07/aroostook/aroostook-police-courts/state-police-body-camera-footage-portage-standoff/>.

immigration violation, that activity was not the “administration of criminal justice,” and the resulting records are not “intelligence and investigative record information.” In that instance, 16 M.R.S. § 804(2) and (3) are inapposite and do not support withholding records.

53. Even if the withheld records *are* IIRI, Defendants cannot rely on 16 M.R.S. § 804(2) to withhold them.

54. Section 804(2) limits the disclosure of IIRI only if there is a reasonable possibility that the record would “result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution’s evidence that will interfere with the ability of a court to impanel an impartial jury.” Per the disclosed call logs, the sole charges that these traffic stops resulted in was operating without a license. This may be a traffic infraction for which no jury would ever be impaneled. 29-A M.R.S. § 1251(1)(C), (E). Even if this were charged as a Class E offense, any traffic stop document responsive to the ACLU of Maine’s request involves, by definition, at least one person who is now in federal immigration custody (and may no longer be in the United States at all). This at least diminishes, if not negates, the possibility that a jury will be impaneled. Finally, the bar for information that would render a jury biased is very high—it is not enough for a juror to have a personal relationship with a witness (*State v. Rollins*, 961 A.2d 546 (Me. 2008)) or to have suffered the same crime as the one at issue (*State v. Hemminger*, 276 A.3d 33 (Me. 2022)). The facts surrounding a traffic stop are unlikely to be so damaging as to render most of the York County jury pool impartial.

55. If responsive records are IIRI, their disclosure is also not automatically an invasion of privacy under 16 M.R.S. § 804(3). Instead, to determine whether release of intelligence and investigatory record information would constitute an unwarranted intrusion on personal privacy under Section 804(3) the Law Court utilizes a three-step test, each part of which demonstrates that

the Department must release these incident reports and BWC footage (with appropriate redactions of identifying information). Specifically, the Law Court looks to: “(1) the personal privacy interests . . . in maintaining the confidentiality of the records sought by [the requesting party]; (2) the public interest supporting disclosure of the records; and (3) the balancing of the private and public interests.” *Fairfield v. Me. State Police*, 2023 ME 12, ¶ 15 (quoting *Blethen v. Me. Newspapers, Inc.*, 2005 ME 56, ¶ 14).

56. *Personal privacy interests.* When information that implicates a privacy interest can be redacted, the rest of the public record can and should be disclosed. *Id.* (requiring disclosure of redacted DNA contamination log and redacted drying locker logs); *Mainstay Media, LLC v. Waldo County*, No. AUGSC-CV-2025-152, 2025 WL 4033381 (Me. Super. Ct. Dec. 30, 2025) (requiring disclosure of police incident report with names redacted). People who have been detained by law enforcement may have a privacy interest in limiting public knowledge of their detainment. But this interest is easily addressed—Defendants can and should produce incident reports and BWC footage with the names, faces, and other identifying information of people detained in the traffic stop redacted. With those redactions, there would be no privacy interest at stake at all—the requester and public would simply not know the identities of the people involved.

57. *Public interest.* Even assuming there is a potential invasion of privacy at stake (which with redactions, there is not), the public interest this request advances is significant. Public interest in this context is focused “on the citizens’ right to be informed about what their government is up to.” *Blethen* 2005 ME 56, ¶ 29 (quotations omitted). To determine whether a potential invasion of privacy is merited, courts look to whether “the public interest is a significant one and whether the information sought is likely to advance that interest.” *Id.* ¶ 33.

58. Cooperation between local law enforcement and federal immigration authorities in Maine has attracted national and local media attention. This public attention has particularly focused on traffic stops in which local police hand over immigrants to federal authorities. But without incident reports and BWC footage, virtually every detail of how Defendants cooperate with federal immigration authorities in the context of traffic stops is shielded from public scrutiny—the public cannot know “what their government is up to.” *Id.* ¶ 29.

59. Therefore, a balancing of the factors clearly shows that the strong public interest outweighs any privacy intrusion at stake. Defendants cannot rely on 16 M.R.S. § 804(3) to withhold responsive records. This is in keeping with Maine’s tradition of interpreting FOAA exceptions narrowly and requiring documents to be produced with redactions as necessary. *Blethen*, 2005 ME 56; *Fairfield*, 2023 ME 12; *Mainestay*, 2025 WL 4033381; *Mainetoday Media, Inc. v. State*, No. AP-14-23, 2014 WL 7920601 (Super. Ct. Aug. 5, 2014); *Blais v. Me. State Police*, AUGSC-CV-2021-00122, 2025 WL 3898595 (Super. Ct. Dec. 19, 2025).

DEFENDANTS HAVE WITHHELD RESPONSIVE RECORDS IN BAD FAITH

60. Bad faith under FOAA includes “dishonest conduct” as well as “deliberately and affirmatively impeding or thwarting valid requests for access.” *Hum. Rts. Defense Ctr. v. Me. Cty. Comm’rs Ass’n Self-Funded Risk Mgmt Pool*, 2023 ME 56, 301 A.3d 782.

61. Defendants are aware that they can produce public documents with appropriate redactions and therefore avoid any intrusion on privacy pursuant to 16 M.R.S. 804(3). Defendants have already done exactly this—the call logs attached as Exhibit 3 were produced with names and other identifying information redacted.

62. The ACLU of Maine also twice informed Defendants, with cites to pertinent and binding case law, that responsive public documents must be disclosed with redactions: in the original February 3 Request and in the February 13 correspondence. *See* Exhibits 1 and 5.

63. Defendants have not offered any explanation for why other responsive documents cannot be produced with appropriate redactions, except to “recommend” to the ACLU of Maine that it “pursu[e] a court order.” *See* Exhibit 4.

64. By insisting that incident reports and other responsive records cannot be redacted, Defendants’ position is that incident reports are confidential records that can never be disclosed. This is an untenable position that would prevent the public from ever knowing the details of an interaction between any Sanford police officer and the public.

65. Defendants cannot redact documents they wish to disclose and refuse to redact documents they do not wish to disclose. Defendants’ refusal to redact and produce documents despite their awareness that they can do so is deliberate and affirmative thwarting of the ACLU of Maine’s valid request, and bad faith.

66. Instead of producing public records in their possession, Defendants have twice told the ACLU of Maine to seek a court order.

67. Telling a requester to seek a court order is not a valid response to a FOAA request.

68. Instead, under FOAA records custodians have two options: produce records, or provide a reason for not producing records. 1 M.R.S. 408-A(2), (4).

69. If Defendants believe that withheld responsive records are not subject to FOAA, then their invitation to seek a court order is a nonsensical invitation to file a frivolous suit. If Defendants believe that a court could lawfully order them to produce the withheld records, then they should produce records pursuant to the FOAA process laid out in statute—not force requesters to pursue

litigation. Defendants' repeated instruction to pursue a court order is a deliberate and affirmative thwarting of the ACLU of Maine's valid request, and in bad faith.

COUNT I
FAILURE TO DISCLOSE RESPONSIVE RECORDS IN BAD FAITH AND WITHOUT
JUST AND PROPER CAUSE

70. Plaintiff realleges and incorporates by reference the foregoing paragraphs of this Appeal as if fully set forth herein.

71. Defendants refused to disclose all public records responsive to the ACLU of Maine's FOAA request without just and proper cause in violation of FOAA.

72. Defendants improperly withheld responsive records that are not exempt from disclosure under FOAA.

73. Defendants' denial of responsive records was made in bad faith, because it was the result of deliberately or affirmatively thwarting a valid request for records.

CONCLUSION

The ACLU of Maine respectfully requests that the Court grant this appeal and enter judgment for Plaintiff and enter:

- A. an order for disclosure of responsive records pursuant to 1 M.R.S. §409(1);
- B. an order for disclosure of an exceptions log for any withheld documents;
- C. an award to the ACLU of Maine its costs and reasonable attorney's fees pursuant to 1 M.R.S. § 409(4); and
- D. such other and further relief as the Court deems just and proper.

Dated at Portland, this 12th day of March, and respectfully submitted,

/s/ Anahita D. Sotoohi
Anahita D. Sotoohi (Maine Bar No. 10120)

American Civil Liberties Union of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 613-4350
asotoohi@aclumaine.org

/s/ Zachary L. Heiden
Zachary L. Heiden (Maine Bar No. 9476)
American Civil Liberties Union of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 619-6224
zheiden@aclumaine.org